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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,678	09/07/2000	Walter J. Hein	8190-424	1936

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ALSTON & BIRD LLP  
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CHARLOTTE, NC 28280-4000

EXAMINER


BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<div style="text-align: center;">    <b>Office Action Summary</b> </div>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/656,678	HEIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley Bayat	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2005  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-17 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date _____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 9, 2005 has been entered.

### ***Status of Claims***

Applicant has amended claims 1-8 and 11-17 in the amendment filed on 9 March 2005. Thus, claims 1-17 are presented for examination on the merits.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. Applicant's request for a telephonic interview to discuss the previously cited references is unnecessary in light of the new rejection below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-7, 11-14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurd, II, U.S. Patent 6,222,535 B1.**

As per the following claims, Hurd discloses:

1,5. (Currently Amended) A method/system of collaboratively identifying, prioritizing, and resolving issues affecting a series administered by an originating entity, the series comprising a plurality of similar complex systems, the method being implemented over a computer network in communication with a first, second, and third computer device, the first computer device being adapted to be used by a customer in possession of a system in the series, the second computer device being adapted to be used by the originating entity, and the third computer device being adapted to be used by a committee comprised of a customer representative and an originating entity representative, the method comprising:

- receiving at least one of an issue or a comment corresponding to the issue over the computer network, from at least one of the customer and or the originating entity, on a discussion-capable electronic media configures to have a plurality of issues and a plurality of comments posted thereon and accessible to the first, the second, and a third computer device over the computer network (column 2, lines 16-27; column 3, line 53-column 4, line 40);
- accessing the electronic media by the committee via the third computer device for the committee to separate the posted plurality of issues into rejected issues and action issues, at least partially based on the posted plurality of comments, and for the committee to prioritize the action issues (column 6, lines 3-32);
- assigning an action issue by the committee via the third computer device to one of the customer or the originating entity to have a resolution investigation conducted thereon and sending therewith a set of resolution directions for conducting the

resolution investigation for the assigned action issue over the computer network to the one of the customer and or the originating entity via the corresponding one of the first computer device or the second computer device (column 4, lines 47-59);

- receiving a resolution proposal, resulting from the corresponding resolution investigation, for the action issue over the computer network, from the one of the customer or the originating entity assigned the respective action issue, the resolution proposal being accessible by the committee via the third computer device for the committee to evaluate the resolution proposal (column 5, lines 32-49); and
- directing implementation of the resolution proposal for the evaluated action issue by the committee via the third computer device over the computer network, the committee then directing closure of the action issue upon completion of implementation of the resolution proposal, wherein the assigning, receiving and directing steps occur for each of a plurality of action issues at least partially based upon the priority determined by the committee (column 3, lines 3-15; column 5, line 63-column 6, line 2).

2, 6, 12. (Currently Amended) A method/system according to Claim 1 further comprising storing the rejected issues for at least one of further monitoring and or future reference (column 5, lines 56-58; column 6, lines 21-27; column 6, line 59-column 7, line 15).

3, 7. (Currently Amended) A method/system according to Claim 1 wherein sending a set of resolution directions comprises sending a set of resolution directions comprising at least one of

an assignment of the action issue to one of the customer or the originating entity, a suggested cost of the implementation of the resolution proposal, or a criteria for designating the action issue as being resolved (column 4, line 47-column 5, line 2).

11. (Currently Amended) A method of collaboratively identifying, prioritizing, and resolving issues affecting a series administered by an originating entity, the series comprising a plurality of similar complex systems, the method being implemented over a computer network in communication with a first, second, and third computer device, the first computer device being adapted to be used by a customer in possession of a system in the series, the second computer device being adapted to be used by the originating entity, and the third computer device being adapted to be used by a committee comprised of a customer representative and an originating entity representative, the method comprising:

- receiving at least one of an issue or a comment corresponding to the issue over the computer network, from at least one of the customer or the originating entity via the respective computer device, on a discussion-capable electronic media configured to have a plurality of issues and a plurality of comments posted thereon and accessible to the first, the second, and the third computer devices over the computer network (see above);
- separating, by the committee, the posted issues into rejected issues and action issues at least partially based on the posted comments (see above);
- prioritizing, by the committee, the action issues (column 3, lines 7-15);

- assigning, by the committee, an action issue to an assignee, the assignee comprising one of the customer or the originating entity, the assignee for the respective action issue thereby being responsible for developing a resolution proposal for resolving that action issue (see above);
- sending, by the committee via the third computer device, the action issue with an associated set of resolution directions over the computer network to the assignee of the action issue via the respective computer device, the set of resolution directions including at least one issue-closure criteria to be met by the resolution proposal for the action issue (column 3, lines 28-37);
- receiving, by the committee, a resolution proposal for the action issue over the computer network from the respective assignee (column 5, lines 23-66);
- evaluating, by the committee, the resolution proposal for the action issue with respect to the issue-closure criteria (column 5, lines 23-column 6, line 20);
- directing, by the committee, implementation by at least one of the customer and the originating entity of the resolution proposal meeting the associated issue-closure criteria for the action issue (column 5, line 32-column 6, line 32); and
- closing, by the committee, the action issue upon completion of implementation of the associated resolution proposal, wherein the assigning, sending, receiving, evaluating, directing and closing steps occur for each of a plurality of action issues at least partially based upon the priority determined by the committee (column 5, line 42-column 6, line 20).

13. (Currently Amended) A method according to Claim 11 wherein assigning the action issue comprises assigning the action issue to an assignee according to the priority determined by the committee (column 4, line 40-column 5, line 23).

14. (Currently Amended) A method according to Claim 11 wherein sending the action comprises sending the action issue with an associated set of resolution directions including at least one of an implementation cost and or an implementation deadline to be met by the resolution proposal for the respective action issue (column 3, lines 28-37).

16. (Currently Amended) A method according to Claim 11 further comprising requesting, by the committee, approval of the at least one issue-closure criteria associated with the action issue, from at least the customer, prior to assigning the action issue to the assignee (see column 3).

17. (Currently Amended) A method according to Claim 11 further comprising obtaining, by the committee, a commitment from at least the customer to implement a resolution proposal to the action issue meeting the at least one issue-closure criteria, prior to assigning the action issue to the assignee (columns 3-4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person



having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd II, U.S. Patent 6,222,535 B1.**

As per claims 4, 8-10 and 15, Hurd discloses a method/system of collaboratively identifying, prioritizing, and resolving issues affecting a series administered by an originating entity, the series comprising a plurality of similar complex systems, the method being implemented over a computer network in communication with a first, second, and third computer device, the first computer device being adapted to be used by a customer in possession of a system in the series, the second computer device being adapted to be used by the originating entity, and the third computer device being adapted to be used by a committee comprised of a customer representative and an originating entity representative, the method comprising: receiving at least one of an issue or a comment corresponding to the issue over the computer network, from at least one of the customer and or the originating entity, on a discussion-capable electronic media configures to have a plurality of issues and a plurality of comments posted thereon and accessible to the first, the second, and a third computer device over the computer network (column 2, lines 16-27; column 3, line 53-column 4, line 40); accessing the electronic media by the committee via the third computer device for the committee to separate the posted plurality of issues into rejected issues and action issues, at least partially based on the posted plurality of comments, and for the committee to prioritize the action issues (column 6, lines 3-32); assigning an action issue by the committee via the third computer device to one of the customer or the originating entity to have a resolution investigation conducted thereon and

sending therewith a set of resolution directions for conducting the resolution investigation for the assigned action issue over the computer network to the one of the customer and or the originating entity via the corresponding one of the first computer device or the second computer device (column 4, lines 47-59); receiving a resolution proposal, resulting from the corresponding resolution investigation, for the action issue over the computer network, from the one of the customer or the originating entity assigned the respective action issue, the resolution proposal being accessible by the committee via the third computer device for the committee to evaluate the resolution proposal (column 5, lines 32-49); and directing implementation of the resolution proposal for the evaluated action issue by the committee via the third computer device over the computer network, the committee then directing closure of the action issue upon completion of implementation of the resolution proposal, wherein the assigning, receiving and directing steps occur for each of a plurality of action issues at least partially based upon the priority determined by the committee (column 3, lines 3-15; column 5, line 63-column 6, line 2). Hurd does not explicitly limit or provide for the use of his invention to a specific industry, i.e., aircraft. Hurd fails to disclose an aircraft manufacturer as the originating entity involving aircraft non-safety issues.

However, as applicant has eloquently stated in the background to the instant application: “[m]any industries produce complex systems that have long service lives and thus must be continually monitored and engineered in order to meet, for example, evolving demands of the application as well as safety and maintenance concerns. Such system may include, for example, aircraft, rail systems, medical systems, weapon systems, certain foods and drugs, and power generation plants where the continued support of the manufacturer and/or other originating entity

is not only required for the upkeep of the systems (specification page 1).” Therefore, the implementation of the invention is not dependent upon the specific industry, but rather the system and method of facilitating issue tracking and resolution based on various parameters. For instance, a non-safety issue can be distinguished from a safety issue in Hurd based on assignment of the issue, priority and suspense parameters.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to utilize Hurd’s system and method to assign, track, monitor, resolve, store and access a plethora of issues in order to quickly, efficiently and cost effectively track and resolve aircraft problems presented among a plurality of users.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure:

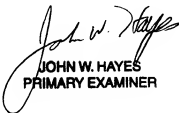
- US Patent 5,793,365 and 5,960,173 to Tang et al.
- US Patent 5,878,214 to Gilliam et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb



JOHN W. HAYES  
PRIMARY EXAMINER